IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 1181 OF 2003

ALONG WITH

CRIMINAL WRIT PETITIONS NOS.1182, 1183 & 1184 OF 2003.

M/s. Almeida & Associates & Ors. ...Petitioners
(Orig.accused)

Vs.

Mrs. HemlataC. Sachdev & Ors. ...Respondents

Mr. Rajesh S. Datar for petitioners (in all the matters)

Mr. U.V.Nikam, APP, for State

CORAM: S.K.SHAH,J.

DATE : 19th April,2006.

P.C.

1. These Writ Petitions are filed challenging the order passed by the IInd Extra Joint District Judge, Thane, whereby he dismissed the Revision filed against the order of Magistrate claiming that the Magistrate dismissed the Application for discharge filed by the petitioners.

2. There was liability of partnership towards the

complainant. The partnership had issued five cheques on behalf of the complainant. Those cheques were returned bythe company and in its place one of the partners - Respondent No.2 had issued the cheque for meeting the liability of the partnership firm. The said cheque was bounced and, therefore, prosecution under Section 138 of the Negotiable Instruments Act was lodged. The applicant filed the Application for discharge alleging that the cheque was issued only by Respondent No.2 and not by the other partners. However, that argument was negatived on the ground that the cheque was issued from the personal account of one of the partners for meeting the liability of the partnership firm. Moreover, there is an averment made in the Application that all the partners were runing the busiess of the partnership and therefore, they were properly made accused.

3. Under the circumstances, I do not find any merit in these Writ Petitions. All these Writ Petitions are, therefore, dismissed.

(S.K.SHAH,J.)